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09/700,851

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EXAMINER

SWARTZ, RODNEY P

ART UNIT

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1645

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. Applicants' Response to Advisory Action, received 3 January 2008, is acknowledged.

Claims 5, 7, and 12 have been amended.

2. Claims 5-23, 25, and 29-33 are pending and under consideration.

Rejections Withdrawn

3. The rejection of claim 5 under 35 U.S.C. 112, first paragraph, scope of enablement for humanized mouse antibodies which bind specifically to VT2 and/or VT2 variant, is withdrawn in light of the amendment of the claim.

4. The rejection of claims 7-10 and 13 under 35 U.S.C. 112, second paragraph, indefiniteness for laboratory designation, is withdrawn in light of the amendment of the claims.

Rejections Maintained

5. The rejection of claims 6, 14-20, 22, 23, 25, and 29-33 under 35 U.S.C. 112, first paragraph, scope of enablement for humanized mouse antibodies which bind specifically to VT2 and/or VT2 variant, is maintained.

Applicants argue that the deposit of the VTm1.1 antibody obviates the rejection.

The examiner has considered applicants' argument, but does not find it persuasive. Claims 6, 22, 23, and 25 remain drawn to a humanized antibody which competes with a mouse antibody characterized by a light chain variable region of SEQ ID NO:4 and a heavy chain variable region of SEQ ID NO:2 for "specific" binding to VT2. There is no requirement that the "mouse antibody" or the humanized antibody be the deposited antibody which neutralizes VT2, but which also has not shown to "specifically" bind to VT2. Thus, the amount of guidance in the specification is insufficient support for the scope of the instant claims which includes antibody which "specifically" binds to VT2.

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Claims 14-20 and 29-33 depend from these claims.

Conclusion

6. Claims 6, 14-20, 22, 23, 25, and 29-33 are rejected. Claims 5, 7-13, and 21 appear to be free of the prior art.

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rodney P. Swartz, Ph.D., Art Unit 1645, whose telephone number is (571) 272-0865. The examiner can normally be reached on Monday through Wednesday from 9:00 AM to 7:30 PM EST. Thursday is the examiner's work at home day.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Shannon Foley, can be reached on (571)272-0898.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rodney P. Swartz, Ph.D./

Primary Examiner, Art Unit 1645

February 19, 2008

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